

REMARKS

Claims 1-23 and 26-36 remain pending in the instant application. All claims presently stand rejected. Claims 1, 4, 11, 18, 21, 30, 33, 34, and 36 are amended herein. Claims 24 and 25 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 9-12, 16-18, 21-22, 26-31, and 35-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krishna et al (US 6,094,439 A1).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1, now recites in pertinent part,

wherein the transmitter is coupled to receive a transmit clock signal having a **variable frequency dependent upon the number of the data lane interfaces actively transmitting a serial data signal.**

Applicants respectfully submit that Krishna fails to disclose a transmitter coupled to receive a transmit clock signal having a variable frequency dependent upon a number of data lane interfaces actively transmitting a serial data signal.

To be sure, with respect to dependent claim 36 (now amended), the current Office Action cited col. 5, lines 2-24 of Krishna as teaching “a transmit clock signal (TX_CLK) having a frequency dependent upon the number of the data lane interfaces actively transmitting a serial data signal.” *Office Action* mailed 7/15/08, page 8. However, Krishan does not disclose a transmit clock signal having a variable frequency dependent upon the number of the data lane interfaces actively transmitting a serial data signal. In fact, the cited portion of Krishna discloses a transmit clock signal GTxCLK having a fixed rate of 125 MHz. *Krishna*, col. 5, lines 12-14. Krishna does not disclose a variable rate transmit clock signal that is varied based upon a number of the PHY devices 26 actively transmitting data. Rather, Krishna discloses the use of a fixed rate

clock signal GTxCLK. In fact, applicants have been unable to find any mention of a variable rate clock within Krishna, much less a variable rate transmit clock that is varied dependent upon a number of the PHY devices 26 actively being used.

Consequently, Krishna fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 4, 11, 18, 21, and 30 now include similar novel elements as independent claim 1. Accordingly, withdrawal of the instant §102 rejections of independent claims 1, 4, 11, 18, 21, and 30 is requested.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 6-8, 13-15, 23-25, and 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishna in view of Agilent Technologies Product Note (“10 Gigabit Ethernet and the XAUI interface Product Note”, January 2002).

Claims 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishna.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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